

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

VALENTINO AMARO,)	Civil Action
Petitioner,)	NO. 09-cv-343
)	
v.)	
)	
THE DISTRICT ATTORNEY OF THE)	
COUNTY OF MONTGOMERY,)	
THE ATTORNEY GENERAL OF THE)	
STATE OF PENNSYLVANIA and)	
KENNETH CAMERON,)	
)	
)	
Respondents)	

O R D E R

NOW, this 1st day of June, 2010, upon consideration of the Petition for Writ of Habeas Corpus, which petition is dated December 8, 2008 and was filed on December 18, 2008 in the United States District Court for the Western District of Pennsylvania;¹ upon consideration of the Petition for Writ of Habeas Corpus by a Person in State Custody filed February 17, 2009;² upon consideration of the Response in Opposition to Petition for Writ of Habeas Corpus, which response was filed May 4, 2009; upon

¹ The date stamp from the Clerk of Court for the United States District Court for the Western District of Pennsylvania indicates the Mr. Amaro's original Petition for Writ of Habeas Corpus was received on December 18, 2008. However, the petition itself indicates that it was signed by petitioner on December 8, 2008. Thus, giving petitioner the benefit of the prison mailbox rule, (See Burns v. Morton, 134 F.3d 109 (3d Cir. 1998) and Rule 3(d) of the Rules Governing Section 2254 Cases in the United States District Courts), I consider December 8, 2008 the filing date of Mr. Amaro's original petition, consistent with the determination of Magistrate Judge Strawbridge. (See Report and Recommendation at page 3, n.7).

² Petitioner signed his original pro se Petition for Habeas Corpus by a Person in State Custody on December 8, 2008. However, petitioner did not file his petition on the current standard form utilized by this court. By my Order dated February 3, 2009 petitioner was directed to refile his petition on the current standard form. On February 17, 2009 petitioner refiled his petition on the current standard form.

consideration of the Motion to Reply in Opposition to the Respondent's Answer, which reply was filed May 11, 2009; upon consideration of the Report and Recommendation of United States Magistrate Judge David R. Strawbridge filed July 31, 2009; it appearing that as of the date of this Order no objections have been filed to the Report and Recommendation of Magistrate Judge Strawbridge; it further appearing after review of this matter that Magistrate Judge Strawbridge's Report and Recommendation correctly determined the legal and factual issues presented in the petition for habeas corpus relief,

IT IS ORDERED that Magistrate Judge Strawbridge's Report and Recommendation is approved and adopted.

IT IS FURTHER ORDERED that the petition for habeas corpus relief is denied without an evidentiary hearing.

IT IS FURTHER ORDERED that because petitioner has not met statutory requirements to have his case heard, and no reasonable jurist could find this ruling debatable, and because petitioner fails to demonstrate denial of a constitutional right, a certificate of appealability is denied.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this matter dismissed.

BY THE COURT:

/s/ JAMES KNOLL GARDNER
James Knoll Gardner
United States District Judge